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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 GREGORY McCLELLAN,

1:10-cv-00039-GSA-PC

11 Plaintiff,

ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA

12 vs.

13 JOHN MARSHALL, et al.,

14 Defendants.
15 _____/

16 Plaintiff, a prisoner proceeding pro se, has filed a civil rights action pursuant to 42
17 U.S.C. § 1983.

18 The federal venue statute requires that a civil action, other than one based on diversity
19 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants
20 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions
21 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action
22 is situated, or (3) a judicial district in which any defendant may be found, if there is no district in
23 which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

24 In this case, none of the defendants reside in this district. The claim arose in San Luis Obispo
25 County, which is in the Central District of California. Therefore, plaintiff’s claim should have been
26 filed in the United States District Court for the Central District of California. In the interest of
27 justice, a federal court may transfer a complaint filed in the wrong district to the correct district. See
28 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

1 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
2 District Court for the Central District of California.

3 IT IS SO ORDERED.

4 **Dated: January 14, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE